

## BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

ATTORNEY DOCKET NO.: AT9-99-525

#19/Reply  
Brief  
5-15-03

In re Application of:

VIKTORS BERSTIS

Serial No.: 09/404,398

Filed: September 23, 1999

For: PERSONAL PRODUCT LOCATOR  
ON STORE-OWNED SHOPPING AID§  
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§

Examiner: ARTHUR D. DURAN

Art Unit: 3622

REPLY BRIEFMail Stop Appeal Briefs – Patents  
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P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

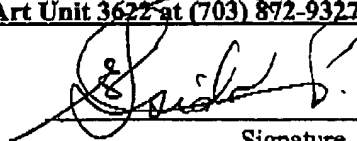
This Reply Brief is submitted in response to Examiner's Answer dated March 12, 2003. No fee is believed to be required; however, in the event any fees are required, please charge IBM Corporation's Deposit Account No. 09-0447. No extension of time is believed to be required; however, in the event any extension is required, please consider that extension requested and please charge any associated fee and any additional required fees to IBM Corporation's Deposit Account No. 09-0447.

CERTIFICATE OF FACSIMILE TRANSMISSION  
37 CFR 1.8(A)

I hereby certify that this correspondence is being Facsimile transmitted to the U. S. Patent and Trademark Office, Attention: Examiner Arthur D. Duran, Art Unit 3622 at (703) 872-9327 on May 12, 2003.

Eustace P. Isidore

Name of Person Sending Fax



Signature

### **ARGUMENTS**

In the Response to Argument (paragraph 11) of Examiner's Answer, Examiner provides a series of rebuttals to Appellant's arguments. The present set of arguments counters several of those rebuttals based on factual in-accuracies and or functional distinctions between the claimed features of Appellant's invention and what is provided/suggested by the various references and combinations thereof. Notably, the arguments provided herein are not meant to be exhaustive of the possible arguments countering the various rebuttals. Also, Appellant hereby incorporates by reference those arguments proffered in the Appeal Brief filed on February 12, 2003.

I. On page 10, 1<sup>st</sup> paragraph, Examiner states that Ogasawara discloses that "a customer's current location, provide suitable directions or location indicia to promotional items" (emphasis added). Appellant reiterates that Appellant's invention immediately identifies pre-selected customer desired items in the area in which the customer is currently passing utilizing projections of modified infra-red signals containing the IDs of the items. This is functionally different and not suggested by providing directions to a closest promotional item.

II. On page 11, 1<sup>st</sup> paragraph, Examiner states that in Jelen "the preferred embodiment employs an infrared IR receiver detecting a unique data pattern... at fixed locations in the store." Again, Jelen's general description of the utilization of an IR receiver and IR transmitters are solely for the purpose of identifying the location of the customer (as admitted by Examiner at the paragraph at the bottom of page 11 continuing to page 12). Appellant's utilizes an IR transmitting LEDs to project the actual identification (IDs) of items at a given location, and the receiver unit not only receives the IR signal but is able to decipher the IDs within the IR signal and automatically alert the customer that a desired item is present. Again, although the reference may utilize similar terminology (e.g., IR signal and IR receiver), the actual functionality of the feature is very different from what is provided by Appellant's claimed invention.

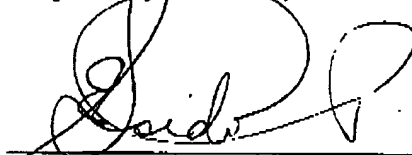
III. On page 15, Examiner states that the combination "disclose transmitting product and coupon information at time of checkout." However, none of the sections referenced to support

this conclusion actually discusses or suggests electronic redemption of coupons by beaming coupon information to the checkout register as is clearly recited by Appellant's claim.

**CONCLUSION**

Examiner's rebuttal arguments do not support maintaining the rejections of Appellant's claims. Appellant has pointed out several of the deficiencies contained in these rebuttal arguments. For the reasons set forth herein and those set forth in the Appeal Brief, Appellant urges the Board to reverse the Examiner's rejection of the claims and remand the case to the Examiner with instructions to issue a Notice of Allowance for all pending claims in the present Application.

Respectfully submitted,



Eustace P. Isidore

*Registered with Limited Recognition (see attached)*

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**BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE  
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**Expires: May 8, 2004**



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### Fax Cover Letter

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### Message

Inventor(s): Viktors Berstis

Serial No.: 09/404,398

Filed: September 23, 1999

Title: Personal Product Locator on Store-Owned Shopping Aid

Enclosed: Reply Brief

Official

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